

CHART OF CORRETIVE/DISCIPLINARY SANCTIONS

	FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE	
CLASS	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
1	VERBAL COUNSELING	WRITTEN REPRIMAND	WRITTEN REPRIMAND	SUSPENSION	SUSPENSION	DISMISSAL
2	WRITTEN REPRIMAND	SUSPENSION	SUSPENSION	SUSPENSION	SUSPENSION	DISMISSAL
3	SUSPENSION	SUSPENSION	SUSPENSION	DISMISSAL	DISMISSAL	N/A
4	SUSPENSION	DISMISSAL	SUSPENSION/ DEMOTION	DISMISSAL	DISMISSAL	N/A
5	DISMISSAL	DISMISSAL	-	-	-	-

Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation. Appointing Authorities must conduct an individual analysis of each employee for each incident, then recommend a penalty based upon the need to modify the employee's behavior, set expectations for other employees, and maintain the public trust.

There is no requirement that charges similar in nature must result in identical penalties.

Appointing Authorities and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in penalty rationales. It must be remembered that this is an historical document of penalties. As such, it may not reflect an appropriate penalty for the misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

CLASS OF OFFENSE GUIDELINES

1. ABSENT WITHOUT LEAVE (AWOL)

- a. Unexcused tardiness. **CLASS 1**
- b. One to five working days AWOL. **CLASS 2**
- c. More than five consecutive working days AWOL. **CLASS 5**

2. ACCIDENTAL DISCHARGE OF FIREARM DUE TO NEGLIGENCE

- a. Accidental discharge of firearm because of negligence. **CLASS 2**

3. ALCOHOL ABUSE

- a. Under the influence of alcohol while on duty. First offense. **CLASS 3** Second offense within five years. **CLASS 5**
- b. Improperly possessed alcoholic beverage on duty. **CLASS 3**
- c. Improperly consumed an alcoholic beverage while on duty. **CLASS 5**
- d. Driving while under the influence of alcohol while on duty. **CLASS 5**
- e. Damaging State equipment while under the influence of alcoholic beverages. First offense. **CLASS 3** Second offense within five years. **CLASS 5**
- f. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. CRIMINAL MISCONDUCT

- a. Conviction of a felony or gross misdemeanor. **CLASS 5**
- b. Conviction of a misdemeanor, or legal action proceeding from the commission of, participation in, or involvement in a misdemeanor. **CLASS 3**
- c. Failure to report arrest. **CLASS 3**
- d. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. **CLASS 3**
- e. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**

5. DISCOURTESY

- a. Discourteous or improper remark to co-worker. **CLASS 1**

- b. Discourteous or improper remark to a member of the public. **CLASS 1**
- c. Inappropriate gesture. **CLASS 1**
- d. Initiate and/or perpetuate malicious rumors regarding fellow employees.
CLASS 1

6. DISCRIMINATION

- a. Discriminating against or harassing another person because of that person's race, color, sex, religion, national origin, age, political affiliation or disability. **CLASS 4**
- b. Make a discriminatory remark. **CLASS 2**
- c. Improperly display photographs, cartoons, jokes of a discriminatory nature in the workplace. **CLASS 2**

7. DISHONESTY

- a. Stealing, misappropriation of funds or resources, or fraudulent activity. **CLASS 5**
- b. Knowingly making false statement on travel claims. **CLASS 5**
- c. Receiving travel expenses through false pretenses. **CLASS 5**
- d. Making a personal profit from State transactions. **CLASS 5**
- e. Accepting or soliciting a bribe or gratuity. **CLASS 5**
- f. Converting found, recovered or seized property to personal use. **CLASS 2**
- g. Converting State property to personal use. **CLASS 2**
- h. Using State resources for personal use. **CLASS 1**

8. FALSE AND MISLEADING STATEMENTS

- a. Knowingly providing false or misleading statements in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**
- b. Knowingly falsifying any State record or report. **CLASS 5**

9. FRAUD IN SECURING EMPLOYMENT

- a. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**

- b. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

10. IMPROPER POLITICAL ACTIVITY

- a. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CLASS 2**
- b. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**
- c. Engaging in any authorized political activity, except for expressing an opinion, while on duty, while in uniform or at public expense. **CLASS 3**
- d. Soliciting and/or influencing any employee to engage or not engage in any authorized political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of any benefit, reward, promotion, advancement or compensation. **CLASS 5**
- e. Subjecting any employee who chooses not to engage in any authorized political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CLASS 5**

11. INSUBORDINATION

- a. Refusal to obey a statute, regulation, written instruction or direct order. **CLASS 3**
- b. Refusal to undergo a search of person or property on institutional property. **CLASS 5**
- c. Failure to provide identification or display proper I.D. **CLASS 1**
- d. Unauthorized service and or acceptance of legal process. **CLASS 1**
- e. Unauthorized representation of Department. **CLASS 1**

12. MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY

- a. Damage to or loss of State property or equipment - neglect or carelessness. **CLASS 1**
- b. Unauthorized destruction of State records. **CLASS 4**
- c. Speeding, committing other traffic violations while driving a state owned vehicle, or reckless handling of other State equipment. **CLASS 2**

- d. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 2**
- e. Deliberate waste of materials or supplies. **CLASS 2**
- f. Unlawful removal of State records. **CLASS 4**
- g. Improper use of Department communications. **CLASS 1**
- h. Intentional damage to or loss of property or State equipment. **CLASS 4**
- i. Using State property for personal business. **CLASS 2**
- j. Failure to properly maintain State property and/or department equipment. **CLASS 1**

13. NARCOTICS/DRUGS

- a. Under the influence of a narcotic/drug while on duty. First offense **CLASS 3**
Second offense within five years. **CLASS 5**
- b. Refusal to submit to a lawfully required narcotic/drug test. **CLASS 5**
- c. Driving while under the influence of narcotic/drug while on duty. **CLASS 5**
- d. Improperly possessed narcotics/drugs. **CLASS 4**
- e. Improperly sold narcotic/drug. **CLASS 5**
- f. Improperly ingested any narcotic/drug. First offense. **CLASS 3** Second offense **Class 5**
- g. Knowingly transport any person to buy/obtain an illegal narcotic/drug. **CLASS 4**

14. NEGLECT OF DUTY

- a. Careless or sloppy work; frequent mistakes or errors. **CLASS 1**
- b. Failure to complete work assignments. **CLASS 1**
- c. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 1**
- d. Failure to take corrective action when warranted. **CLASS 1**
- e. Willful failure to intervene or respond when necessary. **CLASS 3**
- f. Making inappropriate recommendations. **CLASS 1**
- g. Wasting time or loitering. **CLASS 1**
- h. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**

- i. Misplacement of important documents or property. **CLASS 1**
- j. Disregard of safety rules. **CLASS 1**
- k. Restricting output or work slowdown. **CLASS 1**
- l. Failure to make proper notification of sick leave. **CLASS 1**
- m. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**
- n. Failure to maintain required uniform. **CLASS 1**
- o. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**
- p. Failure to appear for court or a hearing when duly notified or subpoenaed. **CLASS 1**
- q. Failure to maintain personal appearance appropriate to the job. **CLASS 1**
- r. Loss of seized, found, or recovered property by negligence. **CLASS 1**
- s. Allowing unauthorized personnel to enter work areas. **CLASS 2**
- t. Failure to ensure subordinate employees perform required duties. **CLASS 1**
- u. Failure to report misconduct. **CLASS 2**
- v. Failure to exercise proper supervision over offenders. **CLASS 2**
- w. Concealing or covering-up of defective workmanship. **CLASS 2**
- x. Failure to report an arrest. **CLASS 1**
- y. Willful failure to turn seized, found, or recovered property directly to property custodian, court, or owner. **CLASS 2**
- z. Preferential treatment of subordinates or offenders. **CLASS 2**
- aa. Failure to respond to radio call. **CLASS 2**
- bb. Failure to comply with any court order or judgment. **CLASS 3**
- cc. Unlawful or unauthorized possession of weapons on State Property. **CLASS 3**
- dd. Sleeping on duty. **CLASS 4**
- ee. Engaging in horseplay with inmates. **CLASS 3**
- ff. Failure to perform security functions resulting in a security breach. **CLASS 4**
- gg. Failure to Discharge Duties - intentionally failing to discharge custodial responsibility provided that failure results in (a) escape of a prisoner or (b) the serious physical injury or death of another person. **CLASS 5**

- hh. Allowing an offender to escape through carelessness. **CLASS 4**
- ii. Willfully allowing an offender to escape. **CLASS 5**
- jj. Leaving an assigned post while on duty without authorization of a supervisor. **CLASS 5**

15. SEXUAL MISCONDUCT

- a. Any sexual contact including but not limited, oral sexual contact or sexual intercourse with an inmate under the supervision of the Department. **CLASS 5**
- b. Any sexual contact including but not limited, oral sexual contract or sexual intercourse involving any individual other than an inmate on State time and/or involving State property or equipment. **CLASS 2**
- c. Solicitation of any sex act with an inmate. **CLASS 5**

16. UNAUTHORIZED USE OF FORCE

- a. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4**
- b. Failing to report any use of force either as a participant or a witness. **CLASS 2**
- c. Unnecessarily displayed/pointed a weapon at another person. **CLASS 2**

17. UNBECOMING CONDUCT

- a. Horseplay. **CLASS 1**
- b. Gambling on State property or while on duty. **CLASS 1**
- c. Unprofessional remark to an inmate. **CLASS 1**
- d. Providing an alcoholic beverage to an inmate. **CLASS 5**
- e. Providing a narcotic/drug to an inmate. **CLASS 5**
- f. Abuse of sick leave. **CLASS 1**
- g. Conducting outside/personal business on State time. **CLASS 1**
- h. Borrowing from or lending to an offender something of value. **CLASS 2**
- i. Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**
- j. Undue familiarity or unauthorized association with offenders or their families. **CLASS 3**
- k. Divulging criminal records or protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 4**

- l. Improperly buying, selling or furnishing contraband while on duty. **CLASS 4**
- m. Unauthorized disclosure of confidential material or criminal records. **CLASS 5**
- n. Conducting unauthorized business transactions with an offender. **CLASS 5**
- o. NAC 284.650 (2) Disgraceful personal conduct which impairs the performance of job or causes discredit to the agency. **CLASS 1**
- p. Improperly identified self as a Department employee, while off duty. **CLASS 1**
- q. Retaliated against another employee for reporting a complaint of misconduct. **CLASS 3**